



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
Denver, Colorado 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8WD-SDU

SENT VIA EMAIL

DIGITAL READ RECEIPT REQUESTED

Scott Larson, North and South Dakota Field Supervisor
U.S. Fish and Wildlife Service
South Dakota Ecological Services Office
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501

Re: Section 7 ESA Consultation
U.S. EPA Region 8 UIC Program
Operator: Powertech (USA), Inc.
Proposed Project: Powertech's Dewey-Burdock In-situ Uranium Recovery Project Site
Aquifer Exemption and UIC Permits No.: SD31231-00000 and SD52173-00000
Fall River and Custer Counties

Dear Mr. Larson:

Based on the information in the enclosed Biological Assessment, the U.S. Environmental Protection Agency (EPA) requests written concurrence from the U.S. Fish and Wildlife Service (FWS) on EPA's determination that its actions on two Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) area permit applications and one associated aquifer exemption application for the Dewey-Burdock In-situ Uranium Recovery Project may affect, but are not likely to adversely affect, the northern long-eared bat, the rufa red knot and the whooping crane.

This Biological Assessment replaces EPA's June 14, 2019 Biological Assessment on which the FWS concurred on July 8, 2019. The EPA revised the Biological Assessment in consideration of comments received during the public comment period on the draft UIC permits and aquifer exemption and based upon further research and discussions with the FWS. We respectfully request the FWS's written concurrence within 30 days of receipt of this letter and Biological Assessment.

If your office has any questions, please contact Omar Sierra-Lopez of my staff at (303) 312-7045 or sierra-lopez.omar@epa.gov.

Sincerely,

8/4/2020

X Douglas Minter

Douglas Minter

UIC Section Chief - Water Division

Signed by: DOUGLAS MINTER

Enclosure:

1. Biological Assessment